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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,803	10/06/2004	Gregory A. Dunko	U04-0081.093	5802
54494 7590 10/22/2007 MOORE AND VAN ALLEN PLLC FOR SEMC P.O. BOX 13706 430 DAVIS DRIVE, SUITE 500 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER SAFAIPOUR, BOBBAK	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 10/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/711,803	Applicant(s) DUNKO ET AL.	
	Examiner Bobbak Safaipoor	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Action is in response to Applicant's response filed on 8/28/2007. Claims 1-18 are still pending in the present application. **This action is made FINAL.**

#### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that Gourraud does not disclose creating either a 'temporary' nor a 'site dependent' PTT/M user group, wherein there are no provisions made for de-registration meaning that it is not intended to be temporary in nature.

The Examiner respectfully disagrees. Gourraud discloses a method for distributing PTT voice and multimedia messages to communities of subscribers (read as PTT/M group) (abstract). A group definition module that may comprise one or more group information tables which illustrates how a subscriber group may be defined. The group definition table comprises a group ID that uniquely identifies that group of subscribers, and a list of subscribers' UEs that are members of the group. (paragraphs 36-37) Gourraud further discloses, in figure 3, that a PTT subscriber group has to be define. The subscriber of the UE 1 is the one who initiates the creation of the PTT group, by sending SMS messages to subscribers UE 2, UE 3, and UE 4, for inviting them in joining a new PTT group. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies. (figure 3, paragraph 39) Furthermore, taking a closer look at the Westman reference, Westman clearly discloses that the user group is a temporary user group, as disclosed the Applicant's independent claim 1. (paragraph 7)

Westman discloses a conference provider that wishes to establish a temporary user group amongst of the conference. Westman also discloses maybe utilized in a restaurant. (paragraph 42) In the preferred embodiment, the computer controls the transmitter/receiver 106 to broadcast a registration request. On entering the conference room (read as detecting when a visiting equipped mobile device comes on site) the terminals 110 and 112 receives the registration request signal. The mobile terminals respond to the registration request by providing identification information. The mobile terminals respond to the registration request with the number associated with the mobile terminal. The computer groups or collects a user group consisting of al users who have registered thereby simply quickly and creating a user group (read as registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device such that normal group communications can take place.) (paragraphs 32-36). Westman further discloses that the user groups may be dynamically updated based on new mobile terminals entering the area. The list may be dynamically updated by deleting mobile terminals which leave the area (paragraphs 40-41) (read as de-registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device when the equipped mobile device goes off-site).

As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-5, 7-14, and 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Westman (US 2004/0082351 A1)** in view of **Gourraud et al (US 2004/0249949 A1)**.

Consider **claim 1**, Westman discloses a method of creating a temporary site dependent group for allowing communications among a visiting equipped mobile device and site based equipped devices while the visiting equipped mobile device is on-site wherein the equipped devices operate on one or more inter-communicable networks (read as mobile terminals are connected in a mobile network for the purposes of data transfer; abstract, paragraph 30), the method comprising: detecting when a visiting equipped mobile device comes on-site (read as receiving the registration signal; paragraphs 33-39); registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device such that normal group communications can take place (read as the computer groups a user group consisting of all users who have registered; paragraphs 33-39); detecting when a visiting equipped mobile device goes off-site (read as leaves the area; paragraphs 40-41); de-registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device when the equipped mobile device goes off-site (read as deleting mobile terminals which leave the area; paragraphs 40-41).

Although Westman discloses a method of establishing a user group amongst a plurality of mobile terminals, Westman fails to specifically disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications.

In related art, Gourraud et al disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications (abstract; paragraphs 12-25; A method for distributing PTT voice and multimedia messages to communities of subscribers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gourraud et al into the teachings of Westman so that people in the same PTT group can effectively allow the transmission of voice and multimedia information.

Consider **claim 10**, Westman discloses a system for creating a temporary site dependent push-to-talk/media group for allowing communications among a visiting equipped mobile device and site based equipped devices while the visiting equipped mobile device is on-site wherein the equipped devices operate on one or more inter-communicable networks (read as mobile terminals are connected in a mobile network for the purposes of data transfer; abstract, paragraph 30) the method comprising: first discovery means for detecting when a visiting equipped mobile device comes on-site (read as receiving the registration signal; paragraphs 33-39); registration means for registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device such that normal group communications can take place (read as the computer groups a user group consisting of all users who have registered; paragraphs 33-39); second discovery means for detecting when a visiting equipped mobile device goes off-site (read as leaves the area; paragraphs 40-41); de-registration means for de-registering the visiting equipped mobile device with the site based equipped devices and the site based equipped devices with the visiting equipped mobile device when the equipped mobile device goes off-site (read as deleting mobile terminals which leave the area; paragraphs 40-41).

Although Westman discloses a method of establishing a user group amongst a plurality of mobile terminals, Westman fails to specifically disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications.

In related art, Gourraud et al disclose a method of creating a temporary site dependent push-to-talk/media (PTT/M) group for allowing PTT/M communications (abstract; paragraphs 12-25; A method for distributing PTT voice and multimedia messages to communities of subscribers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Gourraud et al into the teachings of Westman so that people in the same PTT group can effectively allow the transmission of voice and multimedia information.

**Consider claims 2 and 11, and as applied to claims 1 and 10 above, respectively,** Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device comes on-site comprises sensing the visiting PTT/M equipped mobile device using Bluetooth technology. (Westman: paragraph 28)

**Consider claims 3 and 12, and as applied to claims 1 and 10 above, respectively,** Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device comes on-site



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comprises sensing the visiting PTT/M equipped mobile device using 802.11 WiFi technology.

(Westman: paragraphs 50-51)

Consider **claims 4 and 13**, and as applied to **claims 1 and 10 above**, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device comes on-site comprises sensing the visiting PTT/M equipped mobile device using IrDa infra-red technology.

(Westman: paragraphs 50-51)

Consider **claims 5 and 14**, and as applied to **claims 1 and 10 above**, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein detecting when a visiting PTT/M equipped mobile device comes on-site comprises sensing the visiting PTT/M equipped mobile device using location based services.

(Westman: paragraphs 41-42; Gourraud et al: paragraph 36-39, 43-44)

Consider **claims 7 and 16**, and as applied to **claims 1 and 10 above**, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein registering the visiting PTT/M equipped mobile device with the site based PTT/M equipped devices and the site based PTT/M equipped devices with the visiting PTT/M equipped mobile device such that normal group PTT/M communications can take place comprises: on the site based PTT/M equipped devices PTT/M network server, adding the visiting PTT/M equipped mobile device ID (read as user identify; paragraph 33-39, 43-44; Gourraud et

al: paragraph 36-39); and on the visiting PTT/M equipped mobile device PTT/M network server, adding site based PTT/M equipped device IDs (paragraphs 33-39; Gourraud et al: paragraph 36-39, 43-44).

**Consider claims 8 and 17, and as applied to claims 1 and 10 above, respectively,** Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein de-registering the visiting PTT/M equipped mobile device from the site based PTT/M equipped devices when the visiting PTT/M equipped mobile device goes off-site comprises: on the site based PTT/M equipped devices PTT/M network server, removing the visiting PTT/M equipped mobile device ID (paragraphs 40-41); and on the visiting PTT/M equipped mobile device PTT/M network server, removing the site based PTT/M equipped device IDs (paragraphs 40-41).

**Consider claims 9 and 18, and as applied to claims 8 and 15 above, respectively,** Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention wherein the visiting PTT/M equipped mobile device will be de-registered after a specified period of time if it cannot be detected when the visiting PTT/M equipped mobile device has gone off-site. (paragraphs 40-41)

**Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westman (US 2004/0082351 A1) in view of Gourraud et al (US 2004/0249949 A1) and in further view of Tranchina et al (US 2003/0080897 A1).**

Consider **claims 6 and 15**, and as applied to **claims 5 and 14** above, respectively, Westman, as modified by Gourraud et al, disclose the method and system of the claimed invention except for wherein the location based services include the global positioning system (GPS).

In related art, Tranchina et al disclose the method and system of the claimed invention except for wherein the location based services include the global positioning system (GPS). (paragraph 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Tranchina et al into the teachings of Westman and Gourraud et al to be able to identify when a mobile terminal enters a user group.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092.

The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lana Le can be reached on (571) 272-7891. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.



Bobbak Safaipoor  
B.S./bs

October 3, 2007



10-12-07  
LANA LE  
PRIMARY EXAMINER